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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF CLARK**

NATHEN BARTON,

Plaintiff

v.

THE LITIGATION

PRACTICE GROUP PC, DANIEL S

MARCH, JOHN DOE 1-10,

Defendants

Case No.:

ORIGINAL COMPLAINT FOR A  
CIVIL CASE AND INJUNCTIVE  
RELIEF

Jury Trial: ☒ Yes ☐ No

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**I. INTRODUCTION**

There are telemarketers in America whose long-term business model is placing lots and lots of unsolicited robocalls. They call all the phone numbers they can – but with a twist – they want to put a message in your voicemail and get you to call them!

They know it is illegal, so they pretend to do business under generic, ever shifting names to shield who they really are. This lawsuit is one such story, with robocallers soliciting for people who should know better, a law firm.

It is unknown if they are the robocaller, or if they hired a robocaller to benefit themselves.

## II. BASIS FOR JURISDICTION

Plaintiff Nathen Barton is a natural person and resident of Clark County, Washington. Nearly all the acts alleged in this complaint occurred in Clark County, Washington State, during the year 2021.

Jurisdiction in this court is correct because of where Plaintiff resides, and his residence is a nexus where Plaintiff suffered personal injury and invasion of privacy at the hands of the Defendants.

All the specifically identified telemarketing phone calls alleged in this complaint were made to a specific 360 area code cell number and a specific 469 area code cell phone number that are assigned to Plaintiff in exchange for a monthly service fee. These specifically identified calls were all received during the years 2021 and 2022.

For most of the calls, Defendants were aware they were calling a consumer located in western Washington State by dialing Plaintiff's 360 area code phone number.

Washington State has long held that a party availing themselves of the privilege of conducting activities inside of Washington State is subject to the jurisdiction of Washington State. See *Cofinco of Seattle, Ltd. v. Weiss*, 25 Wash.App. 195, 196, 605 P.2d 794 (1980).

The Defendants need not physically visit Washington. The internet and the telephone allow anyone in one state to do business in all others. In a case decided before "internet" was a word, our Washington Supreme Court recognized that jurisdiction may be established by "affirmative acts taking place here by which the out-of-state resident overtly submits to jurisdiction". *Griffiths & Sprague Stevedoring Co. v. Bayly, Martin & Fay, Inc.*, 71 Wash.2d 679, 684, 430 P.2d 600 (1967) quoting *Quigley v. Spano Crane Sales & Serv., Inc.*, 70 Wn.2d 198, 422 P.2d 512 (1967).



1 The Defendants initiated or incentivized others to initiate phone call solicitations to  
2 Plaintiff and other residents of Washington State, and they knew a significant fraction of the  
3 phone calls would be to Washington State residents, establishing jurisdiction here. *Nixon v.*  
4 *Cohn*, 62 Wn.2d 987, 385 P.2d 305 (1963)).

5 Plaintiff is suing in part under federal statute the Telephone Consumer Protection Act of  
6 1991, known as the TCPA, giving rise to a lawsuit that may be brought in Federal Court pursuant  
7 to *Mims v. Arrow Fin. Services, LLC*.

### 8 III. THE PARTIES TO THE LITIGATION

9 Plaintiff Nathen Barton resides at 4618 NW 11<sup>th</sup> Cir, Camas WA 98607, inside the  
10 bounds of Clark County, Washington State.

11 Defendant The Litigation Practice Group PC ("LPG") is a California company with  
12 principal address of 17542 E. 17<sup>th</sup> Street Ste 100, Tustin CA 92780.

13 LPG may be served with process via Daniel S March with address 17542 E. 17<sup>th</sup> Street  
14 Ste 100, Tustin CA 92780.

15 Defendant Daniel S. March ("March") is the CEO, Secretary, CFO and Director of LPG.

### 16 IV. STATEMENT OF CLAIM

17 Plaintiff pays for and uses the 469 phone number at issue area code for residential  
18 purposes. The phone was and is on a limited service plan, with each call, text, or data usage  
19 subtracting from a fixed amount of each available each month.

20 Plaintiff pays for and uses the 360 phone number at issue area code for residential  
21 purposes. The phone was and is on a limited service plan, with each call, text, or data usage  
22 subtracting from a fixed amount of each available each month.

1 Both phone numbers at issue were registered on the FTC national *do-not-call* registry more  
2 than 31 days before all calls at issue in this Complaint.

3 At no time relevant to this lawsuit did Plaintiff invite or consent to any tax or debt relief or  
4 loan related solicitation calls that contain artificial or pre-recorded speech. All times listed are  
5 Pacific Standard Time.

6 The caller did not provide a toll-free "opt out" number.

7 **360 Area Code Unsolicited Telemarketing Call #1**

8 On 8/16/2021 Plaintiff checked the voicemail on the 360 area code phone. One of the  
9 messages was from a "Kelly Jones" with the "Credit Loan Group" and her voicemail was as  
10 follows:

11 "Hey it is Kelly Jones from the Credit Loan Group and I'm calling to let you know we  
12 have you prequalified for the Advantage Program we were able to secure up to \$54,000 so please  
13 call us back to go over the details if you think this can help and my phone number is 888 484  
14 0570 you can speak with any specialist to confirm your file hope you are having a nice summer  
15 and I'll talk with you soon".

16 The call was pre-recorded or artificially generated speech. Plaintiff got enough of these  
17 calls to learn they are placed with 1-2 rings of the phone, faster than it is possible to answer  
18 unless the phone is actually in your hand, and then the call goes to voicemail.

19 If by chance consumer is able to answer the phone in time, the call just hangs up. There  
20 isn't a live person to speak to on the line. The calls are designed to go to voicemail.

21 The ATDS nature of the call is evidenced by 1-2 ring and then right to voicemail nature of  
22 the call, the labor intensive nature of attempting to leave a voicemail message one at time with a  
23 real human, and Plaintiff having no relationship with the Defendants.



1 The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R §  
2 64.1200(a)(7)(i)(B).

3 **360 Area Code Unsolicited Telemarketing Call #2**

4 On 8/20/2021 Plaintiff checked the voicemail on the 360 area code phone. One of the  
5 messages was from a "Jennifer Johnson" with the "Credit Loan Group" and her voicemail was as  
6 follows:

7 "Hey it is Jennifer Johnson from the Credit Loan Group and I'm just following back up  
8 with you to let you know we have you prequalified for the Advantage Program we were able to  
9 secure up to \$44,000 so please call us back to go over the details if you think this can help and  
10 my phone number is 888 928 3166. You can speak with any specialist to confirm your file.  
11 Hope you are having a nice summer and I'll talk with you soon".

12 The caller's voice was identical to the call above, and the call was placed with an ATDS  
13 device using artificial or pre-recorded voice.

14 The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R §  
15 64.1200(a)(7)(i)(B).

16 **360 Area Code Unsolicited Telemarketing Call #3**

17 On 10/19/2021 Plaintiff checked the voicemail on the 360 area code phone. One of the  
18 messages was from a "Chelsea" with "Credit Assistance" and her voicemail was as follows:

19 "Um Hi there it's Chelsea from Credit Assistance and I'm just following back up with your  
20 online request for getting some financial help and I was able to get you an approval that I think  
21 your going to like so just go ahead and call me back so I can give you the details just know that  
22 the program does have limited openings and is on a first come first serve basis so just call back

1 soon to finalize the details my number is 888 374 4598 and anyone can help you out just in case  
2 I'm busy with someone hope this help you out and we'll talk soon".

3 The caller's voice was identical to the two calls above, and the call was placed with an  
4 ATDS device using artificial or pre-recorded voice.

5 The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R §  
6 64.1200(a)(7)(i)(B).

7 **360 Area Code Unsolicited Telemarketing Call #4**

8 On 10/19/2021 Plaintiff checked the voicemail on the 360 area code phone. One of the  
9 messages was from a "Debbie" with the "Debt Relief Center" and her voicemail was as follows:

10 "Hi this is Debbie with the Debt Relief Center and I'm just reviewing the details of your  
11 debt situation as you actually now qualify to have you out of debt in as little as 12 months paying  
12 half of what you owe so if you think this helps call me back to finalize the details as this is on a  
13 first come first serve basis my number is 888 312 9440 and anyone can help you out just in case  
14 I'm tied up we'll talk to you soon".

15 Presumably Debbie was offering to help consumers pay half of what they borrowed in her  
16 earlier calls.

17 The caller's voice was identical to the three calls above, the caller used the same  
18 mannerisms and figures of speech as the other calls, and the call was placed with an ATDS  
19 device using artificial or pre-recorded voice.

20 The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R §  
21 64.1200(a)(7)(i)(B).

22 **360 Area Code Unsolicited Telemarketing Call #5**



1 On 11/10/2021 Plaintiff checked the voicemail on the 360 area code phone. One of the  
2 messages was from a "Bianca" with "Credit Loan Associates" and her voicemail was as follows:

3 "Hey it is Bianca from Credit Loan Associates and I'm just following back up with an  
4 approval I was able to get you for an amount I think you are going to like that can be used to pay  
5 off your debts and help with your credit too. Just call back soon to finalize the details if you  
6 think this would help before the approval is no longer good and my number is 888 992 8403 and  
7 anyone can help you out just in case I'm busy with someone we'll talk to you soon."

8 The caller's voice was identical to the other calls, the caller used the same mannerisms and  
9 figures of speech as the other calls, and the call was placed with an ATDS device using artificial  
10 or pre-recorded voice.

11 The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R §  
12 64.1200(a)(7)(i)(B).

### 13 360 Area Code Unsolicited Telemarketing Call #6

14 On 12/6/2021 Plaintiff's 360 area code phone rang twice from a (641) 557-3002 calling  
15 phone number., then stopped ringing. A few minutes later the phone chirped with a voicemail  
16 notification, and no phone call had been received in the interim. Plaintiff then proceeded to  
17 listen to the voicemails on the phone.

18 The first voicemail said:

19 "... following back up with your online request for getting some financial help and I was  
20 able to get an approval I think you are gunna to like so just go ahead and call me back so that I  
21 can give you the details just know that the program does have limited openings and is on a first  
22 come first serve basis so just call back soon to finalize the details my number is 888 235 9624

1 and anyone can help you out just in case I'm busy with someone hope this helps you out and  
2 we'll talk soon".

3 The caller was obviously artificial, they missed waiting correctly at the start of the  
4 voicemail greeting the caller would hear, and they glitched during the call like a machine.

5 The caller's voice was identical to the other calls, the caller used the same mannerisms and  
6 figures of speech as the other calls, and the call was placed with an ATDS device using artificial  
7 or pre-recorded voice.

8 The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R §  
9 64.1200(a)(7)(i)(B).

10 **360 Area Code Unsolicited Telemarketing Call #7**

11 Another voicemail Plaintiff played on 12/6/2021 of the messages was from a "Morgan"  
12 from "Credit Loan Associates" and her voicemail was as follows:

13 "Hey it is Morgan with Credit Loan Associates and I'm just following back up with an  
14 approval I was able to get you it's for an amount I think you are going to like that can be used to  
15 pay off your debts and can also help with your credit too. Just give me a call back soon so we  
16 can finalize all the details if you think this is something would help you out just make sure to  
17 give me a call back before the approval is no longer good and my number is 855 490 5100 and  
18 any of us can help you out just in case I am busy with someone else . . . soon."

19 This caller's voice was different from to the other 360 calls, but the caller used much of the  
20 same script as previous 360 area code calls, and the call was placed with an ATDS device using  
21 artificial or pre-recorded voice.

22 This last voicemail was what the (641) 557-3002 caller left on Plaintiff's voicemail.



1 The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R §  
2 64.1200(a)(7)(i)(B).

3 **360 Area Code Unsolicited Telemarketing Call #8**

4 Another voicemail Plaintiff played on 12/6/2021 of the messages was from a "Morgan"  
5 from "Credit Loan Associates" and her voicemail was as follows:

6 On 12/6/2021 Plaintiff checked the voicemail on the 360 area code phone. One of the  
7 messages was from a "Melissa" with "Credit Assistance" and her voicemail was as follows:

8 "Um Hey there it's Melissa from Credit Assistance and I'm just following back up with  
9 your online request for getting some financial help and I was able to get you an approval that I  
10 think your going to like so just go ahead and call me back so I can give you the details just know  
11 that the program does have limited openings and is on a first come first serve basis so just call  
12 back soon to finalize the details my number is 888 [caller glitching noises] 255 8445 and anyone  
13 can help you out just in case I'm busy with someone hope this help you out and we'll talk soon".

14 The caller's voice was identical to "Chelsea" from "Credit Assistance", and the call script  
15 was identical also. The call was placed with an ATDS device using artificial or pre-recorded  
16 voice.

17 The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R §  
18 64.1200(a)(7)(i)(B).

19 **469 Area Code Unsolicited Telemarketing Call #9**

20 On 9/24/2021 Plaintiff checked the voicemail on the 469 area code phone. One of the  
21 messages was from a "Linda" with "Credit Loan Group" and her voicemail was as follows:

22 "Hey it is Linda from the Credit Loan Group and I'm just following back up with your  
23 online request for getting some financial help and I was able to get you an approval that I think

1 your gunna like so just go ahead and call me back so I can give you the details just know that the  
2 program does have limited openings and is on a first come first serve basis so just call back soon  
3 to finalize the details my number is 888 256 1549 and anyone can help you out just in case I'm  
4 busy with someone hope this helps you out and we'll talk soon.

5 The caller's voice was the same as the 8/16/2021 voicemail and the script closely followed  
6 the other phone calls from this caller.

7 The call was placed with an ATDS device using artificial or pre-recorded voice.

8 The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R §  
9 64.1200(a)(7)(i)(B).

10 **469 Area Code Unsolicited Telemarketing Call #10**

11 On 9/27/2021 Plaintiff checked the voicemail on the 469 area code phone. One of the  
12 messages was from a "Shelley" with "Credit Assistance" and her voicemail was as follows:

13 "Hey it is Shelley from the Credit Assistance and I'm just following back up with your  
14 online request for getting some financial help and I was able to get you an approval that I think  
15 your gunna like so just go ahead and call me back so I can give you the details just know that the  
16 program does have limited openings and is on a first come first serve basis so just call back soon  
17 to finalize the details my number is 888 235 8994 and anyone can help you out just in case I'm  
18 busy with someone hope this helps you out and we'll talk soon."

19 The caller's voice was the same as the 8/16/2021 voicemail and the script closely followed  
20 the other phone calls from this caller.

21 The call was placed with an ATDS device using artificial or pre-recorded voice.

22 The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R §  
23 64.1200(a)(7)(i)(B).



**469 Area Code Unsolicited Telemarketing Call #11**

On 11/20/2021 Plaintiff's 469 area code phone rang from a (508) 469-4425 phone number. The phone rang one time and the caller hung up. About two minutes later the phone chirped with the new voicemail notification sound. The caller left the following voicemail. The message was as follows:

"... up with an approval I was able to get you it's for an amount I think you are going to like and it can be used to pay off your debts and can also help with your credit too. So just give me a call back soon so we can finalize all the details if you think this is something would help you out just make sure to give me a call back before the approval is no longer good. My number is 855 490 9100 and any of us can help you out just in case I am busy with someone else talk soon."

This caller's voice and script matched the voicemail from "Morgan" of 12/6/2021.

The call was placed with an ATDS device using artificial or pre-recorded voice.

The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R § 64.1200(a)(7)(i)(B).

**469 Area Code Unsolicited Telemarketing Call #12**

On 3/21/2021 Plaintiff checked the voicemail on the 469 area code phone. One of the messages was from a "Scarlett" with "Credit National Assist" and her voicemail was as follows:

"Hi there it's Scarlett from Credit National Assist and I'm just following back up with you with your online request for getting some financial help and I was able to get you an approval that I think your gunna like just know that the program does have limited openings so just call back soon to finalize the details my number is 844 729 6782 and any one of can help you out just in case I'm busy with someone hope this help's you out and we'll talk soon."

1 This caller was different from the other calls, but the script was nearly the same as the  
2 other calls.

3 The call was placed with an ATDS device using artificial or pre-recorded voice.

4 The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R §  
5 64.1200(a)(7)(i)(B).

6 **469 Area Code Unsolicited Telemarketing Call #13**

7 There was another voicemail from a "Shelley" with "National Credit Assist" and that  
8 caller's voicemail was as follows:

9 "Hey it's Shelley with Credit National Assist and I wanted to try just one last time  
10 regarding an online request for getting some financial help and I was able to get you an approval  
11 I think you'll like so just go ahead and call me back and I'll give you the details again my  
12 number is 844 344 1475 thanks".

13 The caller's voice matched the 8/16/2021 360 voicemail and the script was nearly the same  
14 as the other calls. The call was placed with an ATDS device using artificial or pre-recorded  
15 voice.

16 The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R §  
17 64.1200(a)(7)(i)(B).

18 **469 Area Code Unsolicited Telemarketing Call #14**

19 There was another voicemail from a "Theresa" with "National Credit Assist" and that  
20 caller's voicemail was as follows:

21 "Hi there it's Theresa from Credit National Assist and I'm just following back up with  
22 your online request for getting some financial help and I was able to get you an approval that I  
23 think your going to like just know that the program does have limited openings so just call back



1 soon to finalize the details my number is 888 809 6128 and anyone can help you out in case I am  
2 busy with someone hope this helps out and we'll talk soon".

3 The caller's voice matched the 8/16/2021 360 voicemail and the script was nearly the same  
4 as the other calls. The call was placed with an ATDS device using artificial or pre-recorded  
5 voice.

6 The caller did not provide a toll-free "opt out" number that complies with 47 C.F.R §  
7 64.1200(a)(7)(i)(B).

8 **Plaintiff Calls (888) 809-6128 on 3/21/2022**

9 On 3/21/2022 Plaintiff called (888) 809-6128. A man answered the phone with "Debt  
10 Relief Enrollment Center are you calling in reference to your pre-approval for financial help".  
11 He said he would see about getting Plaintiff into a hardship program and back to being lendable.  
12 He asked for Plaintiff's state of residence to which Plaintiff responded Washington.

13 Eventually the man asked to see Plaintiff's TransUnion credit report and Plaintiff asked  
14 what company would be pulling his credit report. The man replied "we are the Debt Relief  
15 Enrollment Center so we are a legal referral network".

16 However, a different company pulled Plaintiff's credit – Litigation Practice via  
17 CRSLCLITIGATION PRACTIC with phone number (949) 229-6262.

18 **LITIGATION PRACTICE via CRSLCLITIGATION PRACTIC**

Location  
906 GLENNEYRE ST  
LAGUNA BEACH, CA 92651

Requested On  
03/21/2022

Phone  
(949) 229-6262

19 The 906 Glenneyre St address matches LPG's 2019 Articles of Incorporation filed with the  
20 California Secretary of State.

1 Phone number (949) 229-6262 belongs to *lpglaw.com*, the website for The Litigation  
2 Practice Group PC. They hold themselves out as debt relief attorneys.

3 The man who answered the telephone did not offer to put Plaintiff on any do-not-call list,  
4 and did not mention anything related to do-not-call lists.

5 Plaintiff did not authorize LPG to obtain his credit report.

6 **These calls are pre-recorded or artificial speech**

7 In several of the calls the device delivering the calls glitches while delivering the speech in  
8 ways a human would not or could not do, and in several calls the calling device failed to identify  
9 they were speaking while Plaintiff's voicemail greeting was still speaking, making it clear that  
10 the speech is pre-recorded or artificial. It appears that they frequently change the name of the  
11 caller the name of the entity who they claim to represent.

12 **These calls are from an ATDS**

13 The ATDS nature of all the calls is evidenced by 1-2 ring and then right to voicemail  
14 nature of the call, the labor intensive nature of attempting to leave a voicemail message one at  
15 time with a real human, that the calls all direct to different telephone numbers and are dial from  
16 different telephone numbers, and Plaintiff having no relationship with the Defendants.

17 **March is Personally Liable**

18 This complaint demonstrates a pattern of LPG using robocalls to drum up business and  
19 fake names to identify themselves unless and until a caller agrees to do business with them, at  
20 which point the consumer only realizes their true name by looking at who pulled their credit  
21 report.

22 This is because the agents working for LPG are aware their phone calls are illegal, and  
23 they have been trained to resist identifying the company.



1 At all times material to the Complaint, acting alone or in concert with others, Defendant  
2 March formulated, directed, controlled, had the authority to control, or participated in the acts  
3 and practices of Defendant LPG including the acts or practices set forth in this Complaint.

4 March has designed the LPG business model to confuse consumers and trick consumers  
5 into believing they have been pre-approved for a loan when LPG does not know who they are  
6 calling or the credit worthiness of who they are calling, and LPG is not licensed to make loans in  
7 Washington State or California.

8 Defendant March is the principal director and operator of Defendant LPG and controls the  
9 day-to-day operations of LPG and directed the employees, agents, salespersons, and solicitors to  
10 make TCPA violating phone calls and to solicit loans and debt reduction services.

11 Defendant March approved the telemarketing scripts, signed the contracts, paid  
12 commissions for the illegal behavior, and directed the illegal calls to be made for his financial  
13 benefit.

14 Defendant March is well aware his conduct violated the TCPA and refuses to alter his  
15 behavior. March is the most influential manager and director of LPG and the only person with  
16 the power to make the unlawful, fraudulent, and unethical behavior stop. Yet, he has taken no  
17 steps to stop the behavior because the behavior benefits him financially. Defendant Sepehr  
18 breaks the law with his eyes and pocketbooks wide open.

19 Defendant March should be held liable because to do otherwise would simply allow the  
20 March to simply dissolve LPG, walk away, and set up a new corporation and repeat his conduct.  
21 This would result in both the TCPA and Washington State telemarketing law being  
22 unenforceable.

1 Most Courts have allowed corporate officers to be held personally liable for the acts of  
2 the corporation if the officers were personally involved in the wrongdoing.

3 The LPG corporation was used by March in an attempt to use a corporation to shield  
4 himself from personal liability of illegal telemarketing.

5 Although the Ninth Circuit has not ruled on this issue, numerous district courts have held  
6 that corporate actors may be held individually liable for violating the TCPA where they ““had  
7 direct, personal participation in or personally authorized the conduct found to have violated the  
8 statute.”” *Sandusky Wellness Center, LLC v. Wagner Wellness, Inc.*, No. 3:12-CV2257, 2014 WL  
9 1333472, at \*3 (ND Ohio Mar. 28, 2014), quoting *Texas v. Am. Blastfax, Inc.*, 164 F Supp2d  
10 892, 898 (WD Tex 2001); see also *Jackson Five Star Catering, Inc. v. Beason*, No. 10-10010,  
11 2013 WL 5966340, at \*4 (ED Mich Nov. 8, 2013) (personal participation in the payment for and  
12 authorization of fax ads is sufficient to render a corporate officer liable under the TCPA); *Van*  
13 *Sweden Jewelers, Inc. v. 101 VT, Inc.*, No. 1:10-cv-253, 2012 WL 4074620 (WD Mich June 21,  
14 2012); *Maryland v. Universal Elections*, 787 F Supp2d 408, 415-16 (D Md 2011) (“[I]f an  
15 individual acting on behalf of a corporation could avoid individual liability, the TCPA would  
16 lose much of its force.”); *Versteeg v. Bennett, Deloney & Noyes, P.C.*, 775 F Supp2d 1316, 1321  
17 (D Wyo 2011); *Baltimore-Wash. Tel. Co. v. Hot Leads Co.*, 584 F Supp2d 736, 745 (D Md 2008)  
18 (observing that if the defendants, who were the same defendants as in *American Blastfax*,  
19 “actually committed the conduct that violated the TCPA, and/or . . . actively oversaw and  
20 directed the conduct,” they could be held individually liable for the statutory violations);  
21 *Covington & Burling v. Int’l Mktg. & Research, Inc.*, No. CIV A 01-0004360, 2003 WL  
22 21384825, at \*6 (DC Super Apr. 17, 2003) (holding that corporate executives were personally  
23 liable because they “set company policies and [oversaw] day-to-day operations” and were



1 “clearly involved in the business practices” that violated the TCPA). Where courts have declined  
 2 to find personal liability, there has been little evidence of the corporate officer’s direct  
 3 participation in the wrongdoing. See, e.g., *Mais v. Gulf Coast Collection Bureau, Inc.*, No. 11-  
 4 61936-CIV-SCOLA, 2013 WL 1283885 (SD Fla Mar. 27, 2013). *Physicians*  
 5 *Healthsource, Inc. v. A-S Medication Solutions, LLC*, 950 F.3d 959 (7th Cir. 2020). *Dickey v.*  
 6 *Vital One Health Plans Direct, LLC*, No. 1:18-cv-01399-DAD-BAM, 2019 U.S. Dist. LEXIS  
 7 140350 (E.D. Cal. Aug. 18, 2019). *Schumacher v. Capital Advance Solutions, LLC*, No. H-18-  
 8 0436, 2019 U.S. Dist. LEXIS 34915 (S.D. Tex. Jan. 19, 2019). *Pearson v. Porch*, Case No.  
 9 3:20-cv-697-JR, 2020 U.S. Dist. LEXIS 193929 (D. Or. Aug. 31, 2020). *Bais Yaakov of Spring*  
 10 *Valley' v. Graduation Source, LLC*, No. 14 Civ. 3232, 2016 WL 1271693, at \*5 (S.D.N.Y. Mar.  
 11 29, 2016). *Ramsey v. Receivables Performance Mgmt., LLC*, Case No. 1:16-cv-1059, 2020 U.S.  
 12 Dist. LEXIS 236094 (S.D. Oh. December 15, 2020). *Mestas v. Chw Grp.*, No. 19-CV-792  
 13 *MV/CG*, 2020 U.S. Dist. LEXIS 236357 (D.N.M. Dec. 16, 2020). *Montelongo v. My Fin.*  
 14 *Solutions LLC*, No. SA-19-CV-00577-JKP, 2020 U.S. Dist. LEXIS 5755 (W.D. Tx. Jan. 14,  
 15 2020)

### 16 **These calls are annoying**

17 The phone ringing with calls you can’t answer and then having to navigate the voicemail  
 18 system to listen to pre-recorded or artificial voicemail calls where it takes time and annoyance to  
 19 navigate the phone menu system to delete the message from the phone is obnoxious, an invasion  
 20 of privacy, and a waste of time. These phone calls were initiated to encourage Plaintiff to  
 21 purchase goods or service.

### 22 **V. RELIEF**

#### 23 **Federal Claims**

**TCPA 47 U.S.C. 227**

Defendants violated the regulations governing the TCPA, 47 C.F.R § 64.1200, and TCPA 47 U.S.C. 227(c) by calling Plaintiff's cellular telephone numbers without invitation or consent.

Defendants violated 47 U.S.C. 227(b) by calling Plaintiff's cellular telephone without invitation or consent, while using an artificial or prerecorded voice.

Defendants violated 47 C.F.R § 64.1200(a)(9)(ii)(E) by leaving three voicemails without providing a toll-free "opt out" number.

Defendants violated 47 C.F.R § 64.1200(a)(7) by abandoning more than 3 percent of their telemarketing calls. In all the calls initiated to Plaintiff by LPG, or on LPG's behalf, 100 percent were abandoned.

In the abandoned calls, Defendants violated 47 C.F.R § 64.1200(a)(7)(i)(A) and (B).

**Fair Credit Reporting Act**

The Defendants violated the Fair Credit Reporting Act by obtaining Plaintiff's consumer report without permission. Plaintiff did not consent to LPG obtaining his credit report.

**Washington State Claims**

**RCW 80.36.400**

Washington State RCW 80.36.400(2) states:

"No person may use an automatic dialing and announcing device for purposes of commercial solicitation. This section applies to all commercial solicitation intended to be received by telephone customers within the state."

Defendants violated Washington State RCW 80.36.400(2) many times by calling Plaintiff's cellular telephone number without consent, while using an automatic dialing and announcing device for commercial solicitation.



1 RCW 80.36.400 defines “Commercial solicitation means the unsolicited initiation of a  
2 telephone conversation for the purpose of encouraging a person to purchase property, goods, or  
3 services.” There is no exception for charitable organizations who hawk goods and services via  
4 unsolicited telephone conversations.

### 5 **Treble Damages**

6 Plaintiff believes the record shows that Defendants’ violations of the law were willful or  
7 knowing. The Defendants used fake business names, abandoned calls, robocalled without  
8 consent, ignored the national do-not-call list, left pre-recorded or artificial voice telephone calls  
9 on Plaintiff’s voicemail without giving an “opt out” number, and generally ignored the law.

10 Therefore, Plaintiff asks for treble damages under TCPA 47 U.S.C. 227(c)(5), and the  
11 presumption that violations of RCW 80.36.400 triple damages under the Washington State  
12 Unfair Business Practices Act RCW 19.86.

### 13 **Injunctive Relief**

14 TCPA 47 U.S.C. 227(c)(5)(A) and TCPA 47 U.S.C. 227(b)(3)(A) allows “an action based  
15 on a violation of the regulations prescribed under this subsection to enjoin such violation,”.

16 Plaintiff is not unique – he simply had the misfortune to be targeted by Defendants’ mass  
17 calling machine. It is reasonable to believe that Defendants have done this many times in the  
18 past and will continue harming the residents of this State and other States in the future.

19 Plaintiff asks this Court to enjoin the Defendants from calling phone numbers using pre-  
20 recorded or artificial voices without consent.

### 21 **All Possible Damages**

22 Plaintiff prays for all possible damages, in law and in equity, statutory, real, and punitive,  
23 that he might entitled too. Examples might be, but are not limited to, court costs, attorney fees

1 (should Plaintiff hire an attorney to represent him in this matter), pre-judgement interest, and  
2 post-judgement interest.

3 I declare under penalty of perjury under the laws of the state of Washington that the  
4 foregoing is true and correct.

5  
6  
7 Signed at Vancouver, WA on 3/24/2022.

8 

9  
10 (Nathen Barton)

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